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REMARKS/ARGUMENTS

Claim 18 has been cancelled and thus the §112, second paragraph rejection is overcome.

Pending claims 1, 5-6, 8-9, 12, 19-27, 30, 32, 34-38 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,954,652 (Sakanashi) in view of U.S. Patent No. 5,796,850 (Shiono). Applicant respectfully traverses the rejection. As to amended claim 1, neither reference anywhere teaches or suggests at least, sensing of an undesirable audio signal present in an environment in which a portable device is to operate, or generation of a second audio signal substantially 180° out of phase with the undesirable audio signal. In this regard, the Office Action concedes that the primary reference Sakanashi nowhere teaches or suggests a noise reducing signal. Nor does Shiono anywhere teach or suggest that its noise cancellation is with respect to an undesirable audio signal present in an environment in which a portable device is to operate. Instead, in Shiono, a received signal includes noise; this noise is not however, in the environment of the portable device.

Furthermore, there is no motivation to combine Sakanashi with Shiono. In this regard, Sakanashi is merely directed to a portable telephone that also provides for audio transmission, while Shiono is directed to a noise reduction circuit. "The mere fact that references can be combined or modified does not render the resulting combination obvious unless the prior art also suggests the desirability of the combination." *In re Mills*, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). No suggestion of any desirability of combining these references exists.

To support the contention of obviousness, the Office Action merely states that it would have been obvious to combine the references "in order to improve the quality of the outputted signal." Office Action, p. 3. This is not a legally sufficient motivation to combine references. *In re Lee*, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2001). Accordingly, claim 1 and the claims depending therefrom are patentable over the proposed combination.

Independent claim 8 is patentable over the proposed combination, at least because the cited references nowhere teach or suggest generating an audio signal to reduce undesirable sound based on a frequency and an amplitude of a detected signal including an undesirable sound. Further, as discussed above regarding claim 1, there is no motivation to combine the references.

Independent claim 19 and the claims depending therefrom are patentable as the cited art nowhere teaches or suggests generation of a digital audio signal to reduce undesirable noise, its combination with another digital audio signal and conversion of this combined digital signal to a

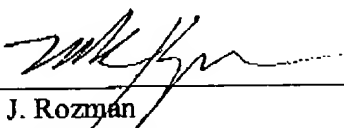
combined analog signal. Accordingly, claim 19 and the claims depending therefrom are patentable.

Independent claim 26 is patentable, at least because the cited art nowhere teaches or suggests combining an audio reduction signal with another audio signal that is of a video signal to be provided to a display of a communications device. Accordingly, claim 26 and the claims depending therefrom are patentable over the proposed combination.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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